

EXHIBIT F

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Page 1

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF MINNESOTA
3 - - -
4

5 IN RE: PORK ANTITRUST : No. 0:18-cv-
6 LITIGATION : 01776-JRT-HB
7 :
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11 This Document Relates to :
12 All Actions :
13 - - -
14

15 THURSDAY, JUNE 23, 2022
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18

19 Remote Zoom Videotape Deposition of
20 DEBORAH McCONNELL, taken pursuant to Notice,
21 commencing at approximately 9 o'clock a.m.,
22 Central Time, on the above date, before Rose
23 A. Tamburri, RPR, CM, CCR, CRR, USCRA Speed
24 and Accuracy Champion and Notary Public.
25 - - -
26

27 VERITEXT LEGAL SOLUTIONS
28 Mid-Atlantic Region
29 1801 Market Street - Suite 1800
30 Philadelphia, Pennsylvania 19103
31

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Page 15

1 year, capital projects, capital and expense
2 project.

3 We have a pretty intense system to
4 get money approved for expenditures. I see
5 all the projects' requests to spend money for
6 the pork division, handle cheap recons.

7 Q. And have your responsibilities
8 changed from 2001 until now?

9 A. Primarily, no, but with the times, a
10 little more technology and just we find new
11 things to do, additional things. So I'd say
12 more workload, but compensated some with
13 additional technology.

14 Q. And do you still hold the title of
15 Associate Group Controller today?

16 A. Yes, I do.

17 Q. And are you still current -- are you
18 currently being paid by Tyson today?

19 A. Yes, I am.

20 Q. And you're represented by counsel
21 today?

22 A. Yes, I am.

23 Q. Okay.

24 Now, you referenced one of your
25 roles as being Agri Stats. Can you tell us

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Page 16

1 what you mean by that?

2 A. I was the contact person primarily
3 where the Agri Stats information would come to
4 Tyson, to me, and then I would be involved in
5 setting up the reviews, benchmarking meetings
6 that we had as a result of this data that we
7 subscribed to.

8 Q. And who is it that you report to?

9 A. Terry Schwartz.

10 Q. And what's Terry Schwartz's title?

11 A. I'm not sure. Probably Group
12 Controller.

13 Q. And who does Mr. Schwartz report to?

14 A. Charlie O'Carroll. And Charlie is
15 new in his role. I mean, in -- in all
16 these -- Terry is rel -- I mean, Terry's been
17 there awhile, Charlie is relatively new. I've
18 had several bosses over the years.

19 Q. In 2010, who was your boss?

20 A. I don't even recall for sure.

21 Q. Would you remember who your boss was
22 in 2014?

23 A. Not for sure, not specifically.

24 Q. You were able to identify competitors
25 within the Agri Stats reports; is that right?

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Page 20

1 Q. Was it more than 10 years ago?

2 A. That, I'm not sure. I can't quantify
3 that specifically.

4 Q. Do you recall whether someone asked
5 you to start making guesses as to the identity
6 of companies within the Agri Stats reports?

7 MS. RIDER ROHRBAUGH: Objection to
8 form.

9 THE WITNESS: I don't recall
10 ever -- anyone ever asking. My recollection
11 is -- my drive and desire in my role in
12 accounting, I love accuracy, it has to be
13 accurate. I drive -- I drive for that.

14 And so how could I take this
15 inch-thick book of data and make it in a
16 summary form that we could use for the
17 benchmarking process.

18 So it was me trying to make it
19 simpler to -- to review.

20 BY MS. SCARLETT:

21 Q. Was it your idea to make a guess as
22 to the identity of companies within the Agri
23 Stats reports?

24 A. As I recall, once I mathematically
25 found a simpler way to present the data, then

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Page 21

1 it became ease of reporting, guess a name for,
2 you know, for discussion purposes or call them
3 No. 1, No. 7, No. 12. And names, estimated
4 names, guesses, flat-out guesses, just seemed
5 to flow better in our review meetings,
6 benchmark review meetings.

7 Q. When you made the identification of
8 competitors within the reports, it was your
9 best guess; isn't that correct?

10 MS. RIDER ROHRBAUGH: Objection to
11 form.

12 THE WITNESS: It was a guess,
13 literally a guess. And often, when a name
14 was -- a guess was put on a profile, and then
15 the next month or two months later, there was
16 an obvious change in that profile such that it
17 visibly appeared, there's no way -- or the
18 name was now not the same; in other words, the
19 profile belonged to somebody else.

20 Said a different way, guessing a
21 name and usually within two months, we're --
22 we're analyzing trends for benchmarking. And
23 within a couple months, almost regularly,
24 changed the guess. And then we'd change the
25 guess again, meaning go back a month and

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Page 56

1 Q. And can you turn to the third tab,
2 which is called "September vs August" and
3 describe for us what you have on this tab
4 here?

5 A. You have to -- can you change the
6 view so it's auto print into normal?

7 THE VIDEOGRAPHER: Sorry, can you
8 say that again?

9 THE WITNESS: If you go to view or
10 you may be able to get out of -- yeah, go to
11 normal instead of -- yeah, try that. There
12 you go.

13 Per the title on the report, it
14 appears I'm just comparing Storm Lake's
15 increase or decrease versus the West over a
16 two-month period.

17 MS. SCARLETT: Okay.

18 BY MS. SCARLETT:

19 Q. And the fourth tab, which is called
20 "Competitors," can you describe for us what's
21 on this tab?

22 A. So in the very first row, it
23 indicates the names or estimates, I'm using
24 Sumio's estimates, is what that appears.
25 These names were all guesses.

HIGHLY CONFIDENTIAL

Page 57

1 And so it was a profile, again,
2 where I just took data out of the book to
3 create individual profiles, and then put a
4 name on it, guessed at a name.

5 And if you scroll down, it
6 appears, down at the bottom, the orange
7 highlight appears, the East IOE, so the book,
8 Agri book, had \$10.48, that'd be hundred
9 weight carcass as the average of the East, and
10 the three I have orange, which were the
11 guesses, my guesses were at 11.75, so
12 obviously, it's not right, row 57.

13 Q. Can we scroll back up to the top,
14 please.

15 So you referenced the very top
16 row, it says, "Basis Sumio estimates using
17 Loin injection page (141) for September
18 Kill/Cut." {Sic}

19 Do you see that?

20 A. Um-hmm, yes.

21 Q. Who are you referencing when you say
22 "Sumio"?

23 A. Sumio is -- was, I don't know if he
24 still is, a Tyson person that worked in
25 International.

HIGHLY CONFIDENTIAL

Page 58

1 Q. And he would provide you with
2 information that assisted you in your guesses?

3 MS. RIDER ROHRBAUGH: Objection to
4 form.

5 THE WITNESS: He was giving his
6 guesses so I could use them for my guesses.

7 BY MS. SCARLETT:

8 Q. So line 3 on this tab, we see IPC,
9 Tarheel, PSF, Triumph and Seaboard; is that
10 right?

11 A. Yes. Those estimates, yes.

12 Q. So those are your guesses as to the
13 identity of the competitors associated with
14 this information; is that correct?

15 MS. RIDER ROHRBAUGH: Objection to
16 form.

17 THE WITNESS: Yes, it is my guess
18 for who that information belongs to.
19 That's -- yes.

20 BY MS. SCARLETT:

21 Q. And what company are you referring to
22 when you write IPC?

23 A. Indiana Pack, I believe. I mean, I'm
24 pret -- it's been a long time since I've
25 worked with Agri, but I'm pretty sure it's

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Page 75

1 just called Agri Stats, 'cause this is an
2 Excel file attachment. The reference to that
3 competitor analysis with those estimated names
4 or guesses was just one tab in the file -- in
5 this file, is what I believe. Again, it was a
6 long time ago.

7 Q. Now, Mr. Matsumoto assisted you in
8 identifying -- in making your best guess as to
9 the competitor within the Agri Stats reports;
10 is that right?

11 A. Sumio, as we saw earlier on a
12 document, it stated he estimated some loin
13 percentages, so he was just providing me some
14 guesses that -- that he -- I mean, guesses. I
15 guess I don't know the source of his guesses,
16 but he gave me guesses to use as some
17 indicator to come up with an estimate.

18 Q. And do you know what Mr. Matsumoto's
19 title was in January 2010?

20 A. No, I do not.

21 Q. And Mr. Eckert, did he also assist
22 you in making your best guesses as to the
23 competitors within the Agri Stats report?

24 MS. RIDER ROHRBAUGH: Objection to
25 form.

HIGHLY CONFIDENTIAL

Page 89

1 your October and November 'books'... that is
2 all you will need... thanks, Debbie. Noel
3 wants to meet (as a group) on 2.11.10 to
4 review the competitor information..." {sic}

5 Do you see that?

6 A. Yes, I do.

7 Q. When you write, "We were able to
8 define the 3 eastern plants for
9 September...and validate it," {sic} what do
10 you mean by "validate it"?

11 A. What I believe I meant years ago is
12 in reference to that orange on those
13 spreadsheets, because Agri would say here's a
14 collective IOE of the eastern plants.

15 So "validate" means I -- I know
16 what I could compare it to. That's all I
17 meant by validate.

18 Q. So was it kind of when the numbers
19 matched up, that's what you meant by validate
20 it?

21 A. I would say it meant that I did the
22 comparison, not necessarily that they matched
23 up.

24 The -- just to expound for two
25 seconds, in -- in Agri, the results would have

HIGHLY CONFIDENTIAL

Page 90

1 been weighted, weighted average, you know, of
2 those -- the eastern, the -- the eastern --
3 the eastern results would have been a weighted
4 average of the three eastern locations.

5 In Agri Stats, there is no volume
6 at all, zero. I have no idea what volume
7 harvested or processed anybody does any month.
8 It's -- it's all presented on a per head or
9 per hundred weight, so like one hog basis.

10 So even when we guess at three
11 easterns, then the only option I had
12 mathematically to come up with a combined
13 number was to use the capacity. And who
14 has -- I had never had any idea if they even
15 ran their capacity.

16 So even my weighting, some -- the
17 names were a guess, and then I weighted them
18 on their capacity, which is public
19 information, but I had no idea if they even
20 ran their capacity.

21 So, I mean, it was a guess to
22 start with, weighted on the capacity, which I
23 have no idea if they ran the capacity, and
24 then I'd compare it to the number he had in
25 the book.

HIGHLY CONFIDENTIAL

Page 91

1 So even if it was close, it could
2 be wrong, because I used capacity to weight
3 it, and it really should have been some other
4 number because they all -- I mean....

5 Q. You write in this document, "We need
6 input from retail and processor sales to help
7 with the identification process."

8 Do you see that?

9 A. Yes, I do.

10 Q. And so who, on the list of required
11 attendees, would have given you input from
12 retail and processor sales?

13 MS. RIDER ROHRBAUGH: Objection to
14 form.

15 THE WITNESS: As I recall, again,
16 most of these individuals have had numerous
17 roles in my 36 years. Todd, at one point, was
18 in retail sales and Jason Brester, at one
19 point, was in processor sales; in other words,
20 he sold hams and bellies, and Todd sold the
21 rest of the hog.

22 BY MS. SCARLETT:

23 Q. And do you recall what you meant when
24 you wrote, "Noel wants to meet (as a group) on
25 2.11.10 to review the competitor information"?

HIGHLY CONFIDENTIAL

Page 297

1 accurate; correct?

2 MS. RIDER ROHRBAUGH: Objection to
3 form.

4 THE WITNESS: We never had any
5 idea if we were accurate, just -- we didn't.

6 BY MR. LIFVENDAHL:

7 Q. Did you care? I'm sorry, go ahead.

8 A. Well, my nature is to care. I mean,
9 in presentation and, you know, just
10 presentation, I guess.

11 Q. So it's fair to say you wanted to be
12 as accurate as possible, based on your
13 knowledge and experience, when you were
14 assigning a name to a plant in the Agri Stats
15 reports; correct?

16 MS. RIDER ROHRBAUGH: Objection to
17 form.

18 THE WITNESS: For clarity, the
19 first part of your question is absolutely yes,
20 I want to be accurate. The naming, I never
21 had a feel ever that we knew what we were
22 doing, because it changed. You could just see
23 it.

24 BY MR. LIFVENDAHL:

25 Q. Why did you then try to identify, by

HIGHLY CONFIDENTIAL

Page 298

1 competitor name, which plant was which?

2 A. The meetings seemed to flow better
3 when we'd say, the discussion, Hatfield or
4 Clinton or Indiana Pack, rather than Company
5 1, Company 7; people could get in the flow of
6 the meeting, and just, it -- it was easier to
7 retain just the profile of the company as the
8 discussions occurred.

9 Q. You were -- or were you aware that
10 Tyson, during the time period you were working
11 with Agri Stats, the Tyson poultry division
12 was also working with Agri Stats? Were you
13 aware of that at the time?

14 MS. RIDER ROHRBAUGH: Objection to
15 form.

16 THE WITNESS: Poultry, I don't
17 recall ever being aware of. Maybe another
18 part of Tyson, yes, but not poultry.

19 BY MR. LIFVENDAHL:

20 Q. Did you ever talk to anyone outside
21 of your division, your pork, about the use of
22 Agri Stats?

23 MS. RIDER ROHRBAUGH: Objection to
24 form.

25 THE WITNESS: I don't recall

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Page 304

1 opinion, estimating a name and knowing how
2 many times we changed that and the fact that
3 it never did foot, and even if it would have
4 footed to the book, I knew I had used
5 capacity, which meant it really didn't foot
6 anyway.

7 So the names were a placeholder,
8 in my opinion.

9 BY MR. LIFVENDAHL:

10 Q. Do you know if others shared that
11 opinion?

12 MS. RIDER ROHRBAUGH: Objection to
13 form.

22 BY MR. LIFVENDAHL:

23 Q. And the only reason you assigned a
24 competitor name to a plant is that it was
25 easier during the monthly meetings to talk

HIGHLY CONFIDENTIAL

Page 305

1 about it using a name of a competitor rather
2 than a number; is that correct?

3 A. It --

4 MS. RIDER ROHRBAUGH: Objection to
5 form.

6 THE WITNESS: It seemed easier,
7 yes. I mean, it flowed better.

8 BY MR. LIFVENDAHL:

9 Q. Why, then, would you ask for people
10 like -- is it Sumio?

11 A. Sumio.

12 Q. -- to help you identify the
13 competitor plants?

14 MS. RIDER ROHRBAUGH: Objection to
15 form.

16 THE WITNESS: Just to give -- for
17 him to give me a logical something so the
18 name -- because it was an estimate, just
19 wasn't totally a swag. I mean, so there was
20 just some logic.

21 BY MR. LIFVENDAHL:

22 Q. But you're saying it -- the only
23 reason it was done is because it was easier to
24 talk about a competitor plant name rather than
25 a number; correct?

HIGHLY CONFIDENTIAL

Page 306

1 MS. RIDER ROHRBAUGH: Objection to
2 form.

3 THE WITNESS: For the most -- yes,
4 in my opinion.

5 MR. LIFVENDAHL: Okay.

6 THE WITNESS: It was.

7 BY MR. LIFVENDAHL:

8 Q. But yet you nevertheless had Sumio go
9 out and try to help identify competitor plant
10 names; correct?

11 MS. RIDER ROHRBAUGH: Objection to
12 form.

13 THE WITNESS: I would say Sumio
14 spent a few minutes looking at it and just
15 applied what he knew from being in the
16 industry.

17 BY MR. LIFVENDAHL:

18 Q. And although the name made no
19 difference, you also had Tom Eckert go out and
20 try to help identify competitor plant names;
21 correct?

22 A. Correct.

23 MS. RIDER ROHRBAUGH: Objection to
24 form. Mischaracterizes testimony.

25 BY MR. LIFVENDAHL: